

REMARKS

The Office Action of May 3, 2007, has been carefully considered.

Objection has been raised to the drawings on the basis that they include a reference numeral 410, not mentioned in the specification. Upon review of the specification, numeral 410 was found described in paragraph [0051] of the published application. However, the numeral could not be found in the drawings, and a replacement sheet has now been added for Figure 2 including numeral 410.

Objection has been raised to Claim 1 on the basis that terminology does not have antecedent basis. The claims of record have now been canceled and replaced by a new set of Claims 22 through 42 which have been written in proper form for US practice. Withdrawal of this rejection is requested.

Claims 1-5 and 16-19 have been rejected under 35 USC 103(a) over Benedetti in view of Yuhara et al.

The invention is directed to a case for cosmetic products comprising a cover provided with a first hinge portion and a recessed bottom in which the cosmetic products will be placed, the bottom being provided with a second hinge portion, a hinge being formed by cooperation between the first and second hinge portions. The case further includes means for locking and unlocking the cover with respect to the bottom and a driving means and an opposing braking means cooperating with the first and second hinge portions, the force being applied by the driving and braking means depending on the opening end of the cover. The clasp is located on the side of the case such that the bottom may be gripped between the thumb and finger of one hand without hindering the opening of the cover under the action of the driving means.

The Office action alleges that Benedetti shows all aspects of the invention with the exception of the clasp on

the side of the container, which is shown by Yuhara et al. Benedetti, however, discloses a torsion spring biasing means including a cam 20 which increases the degree of frictional resistance experienced by the lid once a particular degree of opening has been achieved. Thus, the control means of Benedetti is a frictional resistance obtained through contacting surfaces provided on the base of the lid which are moved relative to each other.

This structure of Benedetti does not correspond to the presently claimed structure, including a driving means and a braking means specifically associated with the first and second hinge portions. As Benedetti does not disclose the structure of the claimed invention, withdrawal of this rejection is requested.

Claims 6-11, 13-14 and 20-21 have been rejected under 35 USC 103(a) over Benedetti in view of Yuhara et al and Ojima and Claim 15 has been rejected under 35 USC 103(a) over Benedetti in view of Yuhara et al in view of Ojima and further in view of Yuhara '426. Ojima has been cited to show a hinge arrangement using a coil spring to bias a lid while Yuhara '426 has been cited to show a hinge with interengaging male and female parts including knurled surfaces. These references do not, however, cure the defects of the Benedetti and Yuhara et al references and withdrawal of these rejections is requested.

The allowability of Claim 12 has been noted.

In view of the foregoing amendments and remarks, Applicants submit that the present application is now in condition for allowance. An early allowance of the application with amended claims is earnestly solicited.

Respectfully submitted,



Ira J. Schultz
Registration No. 28666

IN THE DRAWINGS:

Please replace Fig. 2 with the figure found on the Replacement Sheet attached hereto.

LAW OFFICES
DENNISON, SCHULTZ & MACDONALD
SUITE 105
1727 KING STREET
ALEXANDRIA, VIRGINIA 22314-2700
703 837-9600